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5 Attorney for Larry Nolan, Defendant

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7   UNITED STATES DISTRICT COURT
8   NORTHERN DISTRICT OF CALIFORNIA

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10 CORNEALIUS LOPES,   Case No.: C 07-6213 PJH

11   Plaintiff,

12   Vs.   DEFENDANT LARRY NOLAN'S
                                              MOTION TO DISMISS PURSUANT TO
13   RULE 12(b)(6)

14 FREEMONT FREEWHEELERS, et al.,
                                              Date: June 25, 2008
15   Defendants.   Time: 9:00am
                                              Courtroom: Hon. Phyllis J. Hamilton
16

17 TO ALL PARTIES AND TO THEIR ATTORNEY(S) OF RECORD:

18   PLEASE TAKE NOTICE THAT on June 25, 2008 at 9:00 a.m. before Judge

19
   Phyllis J. Hamilton, located at Courtroom 3, 17th floor at 450 Golden Gate Avenue, San
20
   Francisco, CA 94102, or as soon thereafter as may be heard, Defendant Larry Nolan will
21
   move this Court to dismiss this action against him under Federal Rules of Civil
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23 Procedure, Rule 12(b)(6) because 1) the complaint is barred by the statutes of limitation,

24 2) fails to state a claim upon which relief may be granted, and 3) the relief requested is

25 not authorized under the law.
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        This motion is based on this notice of motion, the memorandum of points and
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   authorities accompanying this motion, the pleadings in this action, the request for judicial
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Lopez v. Freemont Freewheelers et al.
Nolan Motion to Dismiss

1 notice of plaintiff's prior criminal prosecution (Alameda Superior Court, Case No.

2 209109-1) and prior suit against Joseph Dale Wren, et al., (Federal District Court,

3 Northern District of California, Case No., C 06-03705 CRB), and such other and further

4 evidence as may be produced at the time of the hearing.

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7 Dated: May 7, 2008   By: __/s/ Mark P. Meuser_____
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                                                Walnut Creek, CA 94596
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11   ATTORNEY FOR DEFENDANT LARRY NOLAN

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Lopez v. Freemont Freewheelers et al.
Nolan Motion to Dismiss